

CHAPTER NO. 212

HOUSE BILL NO. 1994

By Representatives Miller, Brenda Turner

Substituted for: Senate Bill No. 692

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Section 9-4-211; Title 9, Chapter 8; and Title 12, Chapter 3, Part 9, relative to insurance for the State.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-109(a), is amended by deleting the same in its entirety and by substituting instead the following:

(a) A risk management fund shall be established as a separate account in the state treasury.

SECTION 2. Tennessee Code Annotated, Section 9-8-109(b), is amended by deleting the same in its entirety and by substituting instead the following:

(b) The board of claims shall recommend annually to the commissioner of finance and administration the total occurrence basis funding required to satisfy the liabilities arising under title 9, chapter 8, the liabilities arising under title 12, chapter 3, part 9 and the contribution required of each state department, agency and institution, including higher education, needed to achieve the required funding.

SECTION 3. Tennessee Code Annotated, Section 9-8-109(d), is amended by deleting the first two sentences of such subsection and substituting instead the following:

Expenses payable from the risk management fund shall include those attributable to: defending state employees pursuant to title 8, chapter 42, part 1; defending the state pursuant to part 3 of this chapter; the division of claims administration; the Tennessee claims commission; the department of treasury's casualty risk program; and expenses and losses arising pursuant to title 12, chapter 3, part 9.

SECTION 4. Tennessee Code Annotated, Section 9-8-108(a)(3)(A), is amended by deleting the words "claims commission award fund" and by substituting instead the words "risk management fund".

SECTION 5. Tennessee Code Annotated, Section 12-3-905, is amended by deleting the section in its entirety and by substituting instead the following:

12-3-905. The repair and/or replacement of damaged or destroyed buildings and building contents, and to provide for engineering and other services necessary for such an insurance program shall be paid from the risk management fund created pursuant to § 9-8-109.

SECTION 6. Tennessee Code Annotated, Section 12-3-906, is amended by deleting from the first sentence thereof the words "reserve fund" and by substituting instead the words and figures "risk management fund created pursuant to § 9-8-109".

SECTION 7. Tennessee Code Annotated, Section 12-3-907, is amended by deleting the section in its entirety.

SECTION 8. The Tennessee Code Commission is hereby requested to change all statutory references from "claims award fund" to "risk management fund".

SECTION 9. This act shall take effect on July 1, 2003, the public welfare requiring it.

PASSED: May 15, 2003



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 29th day of May 2003



PHIL BREDESEN, GOVERNOR